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8 Attorneys for Plaintiff

9  
10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN JOSE VENUE

\*E-FILED - 9/28/06\*

13 UNITED STATES OF AMERICA, ) No. C 02-2050 RMW

14 Plaintiff, ) REQUEST FOR DISMISSAL  
15 v. ) AND ORDER

16 3278 ALESANDRO DRIVE, SAN JOSE,  
17 CALIFORNIA )

18 Defendant. )

19  
20 Pursuant to the Court's September 14, 2006 Order, the United States hereby requests that  
21 this action be dismissed with prejudice.

22 In satisfaction of the stipulation of settlement entered between the United States and all  
23 parties on April 14, 2003, the United States represents that a check in the amount of \$210,000  
24 was received by the United States Customs Service from Anthony Phan and Amy Tran on July 8,  
25 2003 and the *lis pendens* against the defendant real property was released and recorded with the  
26 Santa Clara County Recorder's Office on November 5, 2003.

27 Dated: 9/25/06 Respectfully submitted,

28 KEVIN V. RYAN  
United States Attorney

/S/  
STEPHANIE M. HINDS  
Assistant United States Attorney

## ORDER

IT IS SO ORDERED. Based on the foregoing, the instant action is hereby dismissed with prejudice.

Dated: 9/28/06

/S/ RONALD M. WHYTE  
RONALD M. WHYTE  
United States District Court

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of the

## REQUEST FOR DISMISSAL

to be served this date by U.S. mail delivery upon the following person(s) at the place(s) and address(es) which is/are the last known address(es):

Jerry Y. Fong, Esq.  
P.O. Box 1040  
706 Cowper Street  
Palo Alto, CA 94302-1040

Ian M. Comisky, Esq.  
Blank Rome Comisky & McCauley  
One Logan Square  
Philadelphia, PA 19103

I declare under penalty of perjury that the foregoing is true and correct to be the best of my knowledge.

Executed this 25<sup>th</sup> day of September, 2006, at San Francisco, California.

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**/S/  
ALICIA CHIN  
Paralegal/AFU**